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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,446	12/12/2003	Seungyun Yoon	TN329	2038

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EXAMINER

NEWTON, JARED W

ART UNIT

PAPER NUMBER

3634

DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/735,446	Applicant(s) YOON ET AL.	
	Examiner Jared W. Newton	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,9-14 and 17-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,9-14,17-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is in response to the amendments filed on December 29, 2005, by which claims 1, 9, 10, 17, 18, 25-27, and 29 were amended, claims 7, 8, 15, and 16 were cancelled, and claims 30-33 were added.

Claim Rejections - 35 USC § 102

Claims 1-6 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,523,223 to Wang.

Wang discloses a hinge comprising first 20 and second 10 rectangular plates pivotally and hingedly connected along their respective lateral edges, said first plate capable of receiving a component, and said second plate capable of attaching to a rack; a flange 12 extending from a longitudinal edge of said second plate; and a locking mechanism comprising a lock bolt 25, said lock bolt having a tip which is movably coupled with an aperture 121 in said flange 12 of said second plate 10 (see FIG. 1).

Claims 1-6, 9, 10-14, 17, 26, and 30-32 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 2,023,826 to Van Buskirk.

Van Buskirk discloses a hinged apparatus for mounting a component to a frame, wherein said component comprises upper 3 and lower 4 walls, rear wall 5, and right-hand-side wall 2 (see FIG. 2); said apparatus comprising a first plate 2 (shown as the left-hand side wall labeled 2 in Figure 2) for receiving said component, said first plate comprising a notch 8; a second plate 19 capable of being attached to a rack and

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cooperating with the first plate, and a flange 23 extending from a longitudinal edge of the surface of the second plate (see FIG. 2). Van Buskirk further discloses each plate having a rectangular construction, and said plates having hinges disposed along their lateral edges so as to hingedly connect to each other so as to form an angle (see FIG. 2). Van Buskirk further discloses a locking mechanism (see FIGS. 4 and 5) which couples with said flange, wherein said locking mechanism comprises a tube 27, finger button 28, rod 29, and resilient tip 30, wherein said tip movably couples an aperture 22 in said flange 23, so that said flange selectively engages said component received by said first plate (see FIG. 3).

In regard to claims 26 and 30-32, Van Buskirk shows the component including a surface separate from the fixture for selective engagement by the tip of the locking mechanism (see FIG. 2), wherein said surface comprises a bracket formed as recess 7 (see FIG. 2).

Claim Rejections - 35 USC § 103

Claims 18-29 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,866,665 to Brousseau, in view of '826 to Van Buskirk as applied to claims 1-6, 9, 10-14, and 17 above.

Van Buskirk discloses the fixture and components as set forth above, and further discloses said fixture attached to a vertical frame. Van Buskirk fails to disclose a rack. Brousseau discloses a display rack comprising: a plurality of supports 11, 12, 13, 14 which combine to define a region for receiving a plurality of components; said region

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including first portions disposed at the front of support channels 14 for freely accessing the components, and second portions disposed rearwardly from the front of support channels 14 defining an area of limited access which is at least partially blocked by the supports of the rack.

The Van Buskirk and Brousseau references are analogous art because they are from the same field of endeavor—bottle display and storage. It would have been obvious to one of ordinary skill in the art at the time of the invention to mount the apparatus as set forth by Van Buskirk on the vertical upright of the rack as disclosed by Brousseau, by fastening plate 19 (Van Buskirk) to corner post 12 (Brousseau). The motivation would have been to provide the rack with additional storage for bottles aside from the support channels 14 (Brousseau). Further motivation would be to provide the display assembly with a means of advertising a new product, wherein said means is capable of both extending outward from the rack to display the new product, and folding inwards to a non-accessible regions to secure the product when the rack is moved.

Response to Amendment

The amendments filed on December 29, 2005 under 37 CFR 1.131 are sufficient to overcome the Hafner and Corbeille references.

The amendments filed on December 29, 2005 under 37 CFR 1.131 have been considered but are ineffective to overcome the Wang reference.

Response to Arguments

Applicant's arguments filed December 29, 2005 have been fully considered but they are not persuasive. Claim 1 has been amended to incorporate the subject matter of original claims 7 and 8, as does claim 10 incorporate the matter of original claims 15 and 16.

The locking mechanism having a tip which is movably coupled with the flange of the second plate is present in Wang. In particular, Applicant sets forth the locking mechanism in claim 1, but does not set forth the fixed attachment of the locking mechanism with the flange, as is implied by Applicant's disclosure. The recitation states that the locking mechanism comprises a "...tip which is movably coupled with the flange of the second plate, for selectively engaging the component received by the first plate." The phrase "movably coupled" implies that the tip may be separate from the flange. The Wang reference includes a tip that moves, and which may or may not couple with an aperture in the flange/ear. In regard to claims 1-9, because the component is not a positive limitation of the claim, the tip to Wang need only be capable of engaging a component.

In regard to the Van Buskirk reference, the apparatus shown includes the basic hinge mechanism, the locking mechanism, and the component. Similar to the Wang reference, Van Buskirk shows the locking mechanism coupled with the flange of the

second plate, wherein "coupled" is defined as connected together, when the apparatus is in a closed orientation (see FIG. 3). Said locking mechanism further includes a tip, which is moves within an aperture in said flange, so that said flange selectively engages the component. The recitation of the claims does not overcome the Van Buskirk reference because the orientation of the locking mechanism is not clearly set forth.

In regard to claims 18-29, the Van Buskirk reference further shows the component stored as oriented in an accessible position (see FIG. 2), and further shows the component in a non-accessible position when the component is locked to the flange (see FIG. 3). Van Buskirk further shows the overall apparatus mounted to a frame, but does not specifically show a rack. The Brousseau reference shows a storage rack, which is well known in the art for storing bottles. The modification of adding the apparatus as set forth by Van Buskirk to the rack set forth by Brousseau would be an obvious substitution for supporting said apparatus on a frame, as set forth above.

In regard to claims 26-33, the recitation separate from the intended use simply sets forth a bracket that does not contact the fixture. A more definite and clear description stating the novel structure of the bracket in view of its disclosed description and intended use would most likely put the above claims in condition for allowance.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- US Patent Application Publication No. 2004/0034969 to Wegman

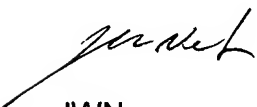
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- US Patent No. 5,704,100 to Swan
- US Patent No. 5,553,351 to Starks

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared W. Newton whose telephone number is (571) 272-2952. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JWN
January 25, 2006


RICHARD E. CHILCOT, JR.
SUPERVISORY PATENT EXAMINER